

Before the
Federal Communications Commission
Washington, D.C. 20554

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OCT - 3 2007

FCC 07-171

In the Matter of)	
)	
Service Rules for the 698-746, 747-762)	WT Docket No. 06-150
and 777-792 MHz Bands)	
)	
Revision of the Commission's Rules to Ensure)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency)	
Calling Systems)	
)	
Section 68.4(a) of the Commission's Rules)	WT Docket No. 01-309
Governing Hearing Aid-Compatible Telephones)	
)	
Biennial Regulatory Review – Amendment of)	WT Docket No. <u>03-264</u>
Parts 1, 22, 24, 27, and 90 to Streamline and)	
Harmonize Various Rules Affecting Wireless)	
Radio Services)	
)	
Former Nextel Communications, Inc.)	WT Docket No. 06-169
Upper 700 MHz Guard Band Licenses)	
and Revisions to Part 27 of the)	
Commission's Rules)	
)	
Implementing a Nationwide, Broadband,)	PS Docket No. 06-229
Interoperable Public Safety Network in)	
the 700 MHz Band)	
)	
Development of Operational, Technical and)	WT Docket No. 96-86
Spectrum Requirements for Meeting Federal,)	
State and Local Public Safety Communications)	
Requirements Through the Year 2010)	

ORDER ON RECONSIDERATION

Adopted: September 24, 2007

Released: September 24, 2007

By the Commission:

I. INTRODUCTION

1. On July 31, 2007, we adopted a *Second Report and Order* revising the rules governing the upper 700 MHz band.¹ In the *Second Report and Order*, we redesignated ten megahertz of public safety 700 MHz spectrum (763-768/793-798 MHz) for the purpose of establishing a nationwide, interoperable broadband public safety communications network. In this regard, we established a single

¹ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

nationwide license for this spectrum – the Public Safety Broadband License. Further, we stated that we would assign this license to a single entity – the Public Safety Broadband Licensee (PSBL).²

2. The *Second Report and Order* established certain criteria for the Public Safety Broadband Licensee eligibility, including that no commercial interest may be held in the PSBL, no commercial interest may participate in the management of the PSBL, the PSBL must be a non-profit organization, and the PSBL must be broadly representative of the public safety community.³ Further, the *Second Report and Order* requires that the PSBL be governed by a voting board consisting of eleven members, one each from the nine organizations representative of public safety listed below, and two at-large members selected by the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau, jointly on delegated authority. The nine organizations that are to be represented on the board, with each organization represented by one voting board member, are: the Association of Public Safety Communications Officials (APCO); the National Emergency Number Association (NENA); the International Association of Chiefs of Police (IACP); the International Association of Fire Chiefs (IAFC); the National Sheriffs' Association; the International City/County Management Association (ICMA); the National Governor's Association (NGA); the National Public Safety Telecommunications Council (NPSTC); and the National Association of State Emergency Medical Services Officials (NASEMSO).⁴

3. On September 14, 2007, representatives of the Forestry Conservation Communications Association (FCCA), the American Association of State Highway and Transportation Officials (AASHTO), and the International Municipal Signal Association (IMSA) filed a notice of *ex parte* presentation recommending that the Commission, on its own motion, add FCCA, AASHTO, and IMSA as voting members to the PSBL board of directors.⁵ For the reasons discussed below, we make certain changes to the composition of the PSBL board of directors on our own motion.

II. DISCUSSION

4. As noted above, one of our main criteria for the PSBL is that it be as broadly representative of the public safety community as possible. While the original nine organizations we named would provide a substantial degree of such representation, we find that making the following changes to the board of directors would further serve this particular criterion and the public interest. First, we name FCCA, AASHTO, and IMSA as additional organizations to be represented on the board as voting members. FCCA was established in 1944 and coordinates frequencies within the Forestry – Conservation spectrum. In this capacity, FCCA provides services for forestry and conservation, police, fire, EMS and local government agencies.⁶ AASHTO represents highway and transportation departments in all 50 states, the District of Columbia, and Puerto Rico, including the air, highway, public transportation, rail, and water transportation modes.⁷ IMSA dates back to 1896 and offers programs in a variety of public safety disciplines including public safety telecommunications, traffic control, work zone safety, and fire detection and reporting systems.⁸ Based on the particular expertise each of these organizations represents, we find that inclusion of these three organizations would further help to broaden representation of the public safety community in the PSBL board of directors.

5. Second, because FCCA, AASHTO, and IMSA are members of NPSTC, we will remove NPSTC as one of the named organizations that may be represented as a voting member of the PSBL. Finally, we find that increasing the number of at-large members from the current two to four would

² *Id.* at ¶ 366.

³ *Id.* at ¶¶ 373-375.

⁴ *Id.* at ¶ 374.

⁵ Letter from C. Douglas Jarrett, Esq., to Marlene H. Dortch, Secretary, FCC, filed Sept. 14, 2007 (*Ex Parte Notice*).

⁶ *Ex Parte Notice* at 6.

⁷ *Id.* at 5.

⁸ *Id.* at 7.

provide additional flexibility to maximize the effectiveness of the PSBL. Accordingly, four at-large members will be selected by the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau, jointly on delegated authority. This will bring the total number of board members to fifteen.

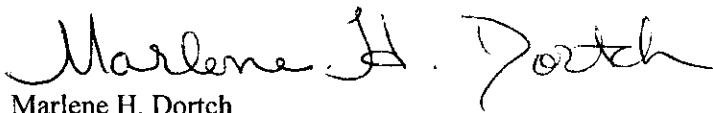
III. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED that pursuant to sections 1, 2, 4(i), 5(c), 7, 10, 201, 202, 208, 301, 302, 303, 307, 308, 309, 310, 314, 316, 319, 324, 332, 333, 337 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 155(c), 157, 160, 201, 202, 208, 301, 302, 303, 307, 308, 309, 310, 314, 316, 319, 324, 332, 333, 337 and 403, THIS ORDER ON RECONSIDERATION in WT Docket No. 06-150, CC Docket No. 94-102, WT Docket No. 01-309, WT Docket No. 03-264, WT Docket No. 06-169, PS Docket No. 06-229, and WT Docket No. 96-86 is ADOPTED.

7. IT IS FURTHER ORDERED THAT, that pursuant to 5 U.S.C. § 553(d)(3) and 47 C.F.R. § 1.427(b), this ORDER ON RECONSIDERATION WILL BECOME EFFECTIVE upon publication in the Federal Register.⁹

8. IT IS FURTHER ORDERED THAT, pursuant to Section 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 5(c), the Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau ARE GRANTED DELEGATED AUTHORITY to implement the policies set forth in this ORDER ON RECONSIDERATION.

FEDERAL COMMUNICATIONS COMMISSION


Marlene H. Dortch
Secretary

⁹ See 5 U.S.C. § 553(d)(3) ("The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except ... as otherwise provided by the agency for good cause found and published with the rule."); see also 47 C.F.R. §§ 1.103(a), 1.427(b). Good cause is present here in order to provide sufficient time for prospective PSBL applicants to comply with the required composition of the PSBL board.